

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LATRICE COLLINS LEWIS,
Plaintiff,

v.

MIKE FISHER, et al.,
Defendants.

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3:10-CV-0090-M

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b), and an order of the District Court in implementation thereof, this case has been referred to the United States Magistrate Judge for pretrial management. The findings, conclusions and recommendation of the Magistrate Judge are as follows:

FINDINGS AND CONCLUSIONS:

On January 19, 2010, Plaintiff, *pro se*, filed this civil action along with the \$350.00 filing fee. By order dated January 21, 2010, the court placed Plaintiff on notice that she was responsible for service of process pursuant to Rule 4(m), Federal Rules of Civil Procedure. On May 24, 2010, having failed to seek issuance of summons, the court directed Plaintiff to show cause, within twenty-one (21) days, why the complaint should not be dismissed for failure to complete service of process pursuant to Rule 4(m). The clerk re-mailed the order to Plaintiff's last known address on June 4, 2010. As of the date of this recommendation, Plaintiff has failed to respond to the court's order.

Rule 4(m) reads in relevant part as follows:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without

prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

In light of the failure to respond to the order to show cause, the court finds that Plaintiff cannot satisfy the “good cause” standard of Rule 4(m). Accordingly, this action should be dismissed without prejudice.

RECOMMENDATION:

For the foregoing reasons, it is recommended that this action be DISMISSED without prejudice pursuant to Fed. R. Civ. P. 4(m).

SIGNED July 1, 2010.


RENÉE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

NOTICE

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error.